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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Application of:	Ulnich Luecking et al.

Serial No.: 10/644,076 Group Art Unit: 1614

Filed: August 20, 2003 Examiner: Unknown

For: MACROCYCLIC PYRIMIDINES, THEIR PRODUCTION AND USE AS

PHARMACEUTICAL AGENTS

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## **Timing and Fees**

<b>M</b>	Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing th disclosure statement is filed:							
			three months of the filing date of a national application other than a CPA § 1.53(d);					
		within three months of the actual filing date of the national phase of a PCT application; OR						
		before the mailing of a first substantive office action (including after filing of RCE).						
		.R. § 1.97(c), this information disclosure statement is filed after the periods 7 C.F.R. § 1.97(b), but before the mailing date of:						
			a final rejection under 37 C.F.R. 1.113;					
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR					
			a notice of allowance under 37 C.F.R. § 1.311; and					

	i	is accompanied by:						
	{		the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR					
	}		a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).					
	Under 3 date of	7 C.F.I the foll	R. § 1.97(d), this information disclosure statement is filed after the mailing owing actions which have not been withdrawn:					
			a final action under 37 C.F.R. § 1.113;					
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR					
			a notice of allowance under 37 C.F.R. § 1.311;					
	AND is	s filed o	on or before payment of the issue fee; AND is accompanied by:					
			the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).					
Stater	nents Un	der 37	C.F.R. 1.97(e)					
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or					
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.					
Cited	l Materia	<u>ls</u>						
		ances	es of materials listed but not attached were cited in benefit (35 U.S.C. § 120) tor application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).					
		Copie	es of materials listed were cited in an international search report dated					
	$\boxtimes$	Copie	es of the materials listed are attached (except for the foregoing).					

Non-E	nglish l	Language References						
		An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).						
		A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:						
		<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> </ul>						
		A = document defining the general state of the art						
		O = non-written disclosure P = intercalated document						
		T = document cited to understand the theory or principle underlying the invention						
		E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date						
		D = cited in the application						
		L = cited for another reason						
		& = publication of member of same patent family						
		Translation of other relevant information on foreign search report						
Other 1	Informa	<u>tion</u>						
Payme	nt of Fe	es Due (If Any):						
		k for \$ covering the fee identified above is attached.						
	Please	charge to Deposit Account No. 13-3402 \$ for the fee identified above.						

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969

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Attorney Docket No.: SCH-1929

Date: January 7, 2005

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PTO/SB/08A (08-00)

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STATEMENT BY APPLICANT					First Named Inventor	Ulrich LUECKING et al.
					Group Art Unit	1614
		(use as many she	ets as	necessary)	Examiner Name	Unknown
s	heet	1	of	1	Attorney Docket Number	SCH-1929

	U.S. PATENT DOCUMENTS								
Examiner Initials *	Cite No.1	U.S. Patent Docui	ment Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Documen				
	1	6,235,746		DAVIS et al.	05-22-2001				
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FOREIGN PATENT DOCUMENTS								
		Foreign Patent Document			Date of Publication of	Pages, Columns, Lines, Where Relevant		
Examiner Initials*	Cite No.1	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code⁵ (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T⁵
	2	wo	0164654		PEASE et al.	09-07-2001		
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Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.